

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

**ORDER *IN LIMINE* RE ORACLE'S  
MOTION RE DR. RODERIC CATTELL**

Defendant.  
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Oracle's motion to exclude Dr. Roderic Cattell is **DENIED** except as follows:

Paragraph 31 of the report is excluded because what matters is re-implementing APIs *without a license or permission*, not just re-implementing APIs. Nor does he even say the copying was done without regard to whether or not a license to do so existed. Under Rule 403, this is more confusing than probative.

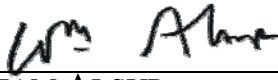
Paragraphs 46–47 are excluded as too inconsistent with the holding of the court of appeals.

Paragraphs 49–54 are excluded because they do not call out whether or not the re-implementations were without permission or at least done without regard to whether or not a license to do so existed. Under Rule 403, this will be more confusing than probative. However, Paragraph 48 will be allowed since it specifically says “without permission from IBM.”

As to opinions on direct examination, Cattell is limited to what is in his report minus the above paragraphs, and the fact that he added more opinions in his deposition does not allow those additional opinions on direct examination.

**IT IS SO ORDERED.**

Dated: May 12, 2016.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE